



**Testimony of Stetson Tinkham
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Before the

House Subcommittee on Insular Affairs, Oceans and Wildlife

Hearing on

**H.R. 1080, the Illegal, Unreported and Unregulated Fishing Enforcement Act of
2009**

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Madam Chair, as Director of International Affairs for the National Fisheries Institute, I appreciate the opportunity to appear before you this morning to address the serious issue of illegal, unregulated and unreported, or IUU, fishing as well as legislation designed to address this matter: H.R. 1080.

The National Fisheries Institute (NFI) is the nation's leading advocacy organization for the seafood industry. Our member companies represent every element of the industry from the family fisherman at sea to the national seafood restaurant chains. NFI and its members are committed to sustainable management of our oceans and being stewards of our environment by endorsing the United Nations' Principles for Responsible Fisheries. Our members recognize the value of ensuring our industry does not adversely affect surrounding ecosystems or damage native species. Our investment in our oceans today will provide our children and future generations the health benefits of a plentiful supply of fish and seafood tomorrow.

Seafood is an important part of a healthy, balanced diet and Americans should feel comfortable and confident knowing that the seafood they consume is harvested in a sustainable manner and that the fish they serve their families is healthy and safe. The general public should not let undue concerns about whether or not our fisheries are sustainably managed prevent them from enjoying the proven health and nutritional benefits of regular fish consumption. Fortunately, the most recent government reports indicate that U.S. fisheries are, on the whole, sustainable and well-managed.

NFI supports H.R. 1080 for several reasons.

First, NFI recognizes that, for our businesses to remain economically viable, fishing activities must be sustainable. By that, we mean that science-based quotas for individual species or for species complexes must be established and those catch levels should not be

exceeded. Catches must be recorded and reported. In short, fishermen should follow the rules.

Second, our members know that when Congress adopts legislation and the Administration implements that legislation, U.S. officials will ensure that the law is enforced. Fishermen who might think about cheating are usually deterred by the high certainty that they will be caught and punished. Our penalties are fair but are set at high enough levels so that our fishermen do not see them merely as a “cost of doing business,” but rather as strong encouragement to follow the rules.

NFI members see that their competitors in many other countries do not operate in that kind of environment. Illegal, unreported and unregulated fishing dramatically lowers the costs of companies who do not abide by the rules. As a result, their illegally-caught products out compete ours in the marketplace. Our members seek a “level playing field” – that is, all fishermen should be required to fish legally, to report their catches, and to comply with basic rules and regulations, such as those regarding vessel operation and safety, for example. When our competitors fish illegally and when enforcement is lax, it is all too easy to land catches at remote ports, under cover of darkness, and to sell them at a profit below the cost of legally caught fish.

Third, we understand that the law enforcement community faces a tough challenge dealing with the large number of fisheries-related laws and the regulations that implement them. We appreciate the good start H.R. 1080 makes towards simplifying and standardizing the patchwork of laws that implement the treaty-based fisheries conventions to which the U.S. belongs.

A measure such as this bill that harmonizes and conforms the many statutes implementing international fisheries agreements will be welcomed by the law enforcement community. It should also help reduce the risk of misinterpretation by Courts when fisheries cases go to trial. Those whose fisheries will be regulated pursuant to this legislation should also find it easier to comply.

There are two additional points that I would like to make, not directly related to this bill. The first is a question of balance between protection and utilization.

As the evidence accumulates that a diet containing a variety of fish, but particularly those rich in omega-3 fatty acids, is an essential component of a healthy diet, for example, we expect demand for fish to increase in developed countries. Recognizing that fish provide the bulk of the animal-derived protein in the diets of many millions of people in the world, particularly those in developing countries, we also expect the global demand for fish and fish products to grow in those countries as well in the decades ahead. While much of that demand can and should be met through aquaculture, wild capture fisheries will still be needed to meet global demands for fish.

All of us involved in fisheries should strive to ensure that there remains a rational balance between the harvest of fisheries resources and the preservation of pristine marine

environments. Just as the depletion of marine resources by undisciplined harvesting is wrong, so would be the elimination of sustainably managed fisheries, merely to replace them everywhere with no take zones where fishing is not permitted.

The second has to do with future trends in capture fisheries management approaches.

There is growing evidence that “rights-based management” is an effective means through which “economic rents” that flow to users of common property resources may be shared by society. Moving from today’s fishery management regimes to rights-based management is what the World Bank refers to as the “political economy of reform.” I can report that NFI, through its membership in the International Coalition of Fisheries Associations (ICFA), expects to partner with the World Bank in an effort to test those concepts, to engage ICFA members and to encourage developing country fishing associations to join ICFA and to take part in this work. We hope that both Congress and the Administration will see us as useful partners in the types of international cooperation and assistance envisioned in Section 17 of H.R. 1080. In the same regard, we also welcome the reengagement of the U.S. Agency for International Development (USAID) in fisheries work after an absence of more than two decades.

Finally, the National Fisheries Institute wishes to point out one concern with regard to the section of H.R. 1080 pertaining to Data Confidentiality.

Generally, we support broader access to “business confidential” data where that access increases compliance by all and where appropriate safeguards exist. Better access to data can help prevent overfishing and IUU fishing. Confidentiality of data should not be used as an excuse to avoid providing catch and effort data, for example, to RFMO scientists who must assess fisheries and recommend harvest levels. However, we have grave concerns about the release of data that could disclose the location of fishing areas to extremist groups. History shows that such groups can endanger the safety of fishing vessels and their crews when they know where the vessels are operating.

In closing, I want to thank you again for asking me to testify before you today. NFI and our members look forward to working with the Committee on the important issue of IUU fishing and other sustainability questions as the 111th Congress proceeds.